

REMARKS/ARGUMENTS

The present application has been reviewed in light of the Office Action mailed November 22, 2004. Claims 1-8, 10-14, 16, 17, 19-22 and 24-33 are currently pending, of which, claims 1, 10, 12, 13, 14, 16, 17, 19, 21, 22, 24, 27 and 28 have been amended, claims 9, 15, 18 and 23 have been cancelled and claims 31-33 have been added. Reconsideration of the present application, as amended, is respectfully requested.

The examiners indication of the allowability of claims 14 and 17-26 is greatly appreciated.

Claims 1-30 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 10, 12, 13, 14, 16, 17, 19, 21, 22, 24, 27 and 28 have been amended herein in a manner which is believed to overcome the rejections under 35 U.S.C. §112, second paragraph.

Accordingly, in view of the amendments made to claims 1, 10, 12, 13, 14, 16, 17, 19, 21, 22, 24, 27 and 28 herein, it is respectfully submitted that the rejection of claims 1-30 under 35 U.S.C. §112, second paragraph, has been overcome.

Claims 1-3, 12, 13, 15, 16, 27 and 28 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,209,173 to Curtis. It is respectfully submitted that claims 1-3, 12, 13, 15, 16, 27 and 28, as amended herein, are allowable over Curtis.

It is respectfully submitted that Curtis does not teach or suggest amended independent claims 1, 12 and/or 28. Each of claims 1, 12 and 28 have been amended herein to recite, *inter*

alia, a solution grid of a given dimension, each overlay having a dimension which is less than the given dimension of the solution grid. As seen in FIGS. 8-13 of the present disclosure, each overlay (110) has a dimension which is less than the dimension of the solution grid (102). In this manner, in use, overlays (110) may be positioned anywhere on the solution grid (102), see FIGS. 8 and 9, and multiple overlays (110) may be placed at least partially on top of one another, see FIGS. 11-13, in order to complete the puzzle.

Curtis discloses crossword puzzle game equipment including a game board (21) having an array of columns and rows of side-by-side spaces (22), and a plurality of sheets (91) having die cut openings (92) therein which functions as a puzzle pattern defining means (46). The use of sheets (91) as puzzle pattern defining means (46) requires a different die cut sheet for each different puzzle pattern to be formed, and it would be accordingly desirable to identify each of sheets (91) by indicia (94) so as to correlate the same to a similar indicia (not shown) on the clue sheets (41). The sheets (91) can be lined out up with the blank or empty array of spaces on the game board, and a marker can be used to mark the spaces (33) that will be designated as non-playing spaces through openings (92). In other words, each sheet (91) includes and is used to define the entire puzzle pattern. If desired, the puzzle pattern may be transposed to the game board on which the puzzle is solved, or the puzzle may be solved directly on the sheet (91).

Curtis further discloses game board means (21) which may be formed as a paper or plastic sheet having an upwardly facingly playing or recording surface (61) on which characters, such as letters (24), and puzzle pattern defining entries, such as blacked out areas (33), can be made. In use, the entire puzzle is solved on a single recording surface (61).

Additionally, Curtis is not used to solve “diagramless crossword puzzles” but instead provides all the necessary tools to construct the diagram of the puzzle. Curtis states that “the improved game equipment includes a plurality of different sets of clues and a plurality of puzzle pattern defining means formed to enable designation of a plurality of different sets of spaces as non-playing or blacked out spaces to define different puzzle patterns.” (see Curtis at col. 2, lines 55-60).

According to the present disclosure, the diagram of the puzzle must be determined simply from solving the clues of the puzzle on the overlays and placing and/or replacing the overlays on the board or solution grid either partially atop one another or adjacent one another until the diagram of the puzzle begins to take shape and reveal itself.

Accordingly, in view of the amendments made to claims 1, 12 and 28 and in view of the remarks presented above, it is respectfully submitted that Curtis fails to disclose a crossword puzzle solution system including, *inter alia*, ***a solution grid of a given dimension, each overlay having a dimension which is less than the given dimension of the solution grid.***, as substantially called for in each of claims 1, 12 and 28.

It is therefore respectfully submitted that the rejection of claim 1, as being anticipated by Curtis has been overcome. Since claims 2 and 3 depend, directly or indirectly, from claim 1 and contain all of the features of claim 1, for the reasons presented above for the patentability of claim 1, it is respectfully submitted that the rejection of claims 2 and 3, as being anticipated by Curtis, has also been overcome.

It is also respectfully submitted that the rejection of claim 12, as being anticipated by Curtis has been overcome. Since claims 13, 16 and 27 depend, directly or indirectly, from claim

12 and contain all of the features of claim 12, for the reasons presented above for the patentability of claim 12, it is respectfully submitted that the rejection of claims 13, 16 and 27, as being anticipated by Curtis, has also been overcome.

Claims 4-11, 29 and 30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Curtis in view of matters old and well known. It is respectfully submitted that claims 4-11, 29 and 30, as amended herein, are allowable over Curtis in view of matters old and well known.

It is respectfully submitted that the rejection of claims 4-11, 29 and 30, as being unpatentable over Curtis in view of matters old and well known has been overcome in view of the amendments made to claims 1 and 28 herein. Since claims 4-11 depend, directly or indirectly, from claim 1 and contain all of the features of claim 1, and since claims 29 and 30 depend, directly or indirectly, from claim 28 and contain all of the features of claim 28, for the reasons presented above for the patentability of claims 1 and 28, it is respectfully submitted that the rejection of claims 4-11, 29 and 30, as being unpatentable over Curtis in view of matters old and well known, has also been overcome.

In view of the amendments made to the claims and in view of the remarks/arguments presented above, it is respectfully submitted that each of the rejections of the claims in the present Office Action has been overcome.

Should the Examiner believe that a telephone interview may facilitate prosecution of this application, the Examiner is respectfully requested to telephone Applicant's undersigned representative at the number indicated below.

In view of the foregoing amendments and remarks, reconsideration of the application and allowance of claims 1-8, 10-14, 16, 17, 19-22 and 24-33 is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Francesco Sardone', written over a horizontal line.

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